

U.S. Patent Application No. 10/085,659
Reply to Office Action dated November 25, 2005

PATENT
450100-03743

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-23 are pending in this application. Claims 1 and 10-23, which are independent, have been amended. Support for this amendment is provided throughout the Specification, specifically at pages 8-10. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1, 8 and 10-23 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by WO 01/33846 to Burstyn (hereinafter, merely "Burstyn").¹

Claim 1 recites, *inter alia*:

"An optical state modulation method comprising:

periodically modulating luminance of an original display image in temporal domain so as to generate an optical state variation on a recorded image that is obtained by image-capturing of the modulated display image..."

¹ Applicants submit that Burstyn is not 102(b) prior art since it was not published more than one-year prior to Applicants' priority date.

U.S. Patent Application No. 10/085,659
Reply to Office Action dated November 25, 2005

PATENT
450100-03743

utilizing a rotation filter, including a rotate-able filter part having a sinusoidal density variation along its circumferential direction, in said luminance modulation." (emphasis added)

As understood by Applicants, Burstyn relates to preventing the illegal recording of film and video through a film anti-piracy system by introducing distortion into an illegally copied image while maintaining a high quality image for viewing by a legitimate audience.

Distortion or interfering signals are substantially invisible to the legitimate viewing audience as the frequency of the interfering signal renders the interference imperceptible to a human viewer. Illegally copied film and video present a distorting signal that has a frequency value where the difference between the distorting signal frequency and a recording frame rate is within a viewable range to the human viewer.

Applicants submit that Burstyn fails to teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of an optical state modulation method using a rotation filter, including a rotate-able filter part having a sinusoidal density variation along its circumferential direction, in said luminance modulation, as recited in claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 10-23 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1 and 10-23 are patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for at least the same reasons. Since

U.S. Patent Application No. 10/085,659
Reply to Office Action dated November 25, 2005

PATENT
450100-03743

each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

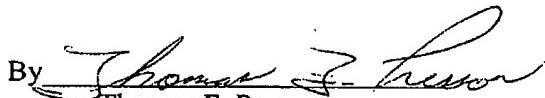
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800